

Bigfork Land Use Advisory Committee
Minutes of June 27, 2013
Bethany Lutheran Church

Committee members present: Shelley Gonzales, John Bourquin, Joyce Mitchell, Susan Johnson, Al Johnson, James Bonser and Secretary Gwen Sutherland. 68 members of the public signed in. B.J. Grieve and Eric Mack were present from the Planning Department.

Chairwoman Gonzales called the meeting to order at 4:05 p.m.

A motion was made to adopt the agenda. M/SC: Mitchell-Johnson-Unanimous.

The minutes of the April 25 meeting were approved with one correction. James Bosner replaced the position of Jim Lossey. A motion was made to adopt the minutes with the correction above. M/SC: Bonser/Bourquin-Unanimous.

There was no public comment regarding the above.

ADMINISTRATOR'S REPORT:

- A. Reminder: Sign-in Sheet. BLUAC minutes and Agenda are available via email and posted on the Flathead County Planning Office website www.flathead.mt.gov/planning_zoning/documents
- B. The Secretary reported that there was one application. Chairwomen Gonzales read Application FCU-13-03 E.S. of Bigfork – A request by Mark T. Johnson, on behalf of E.S. of Bigfork LLC, for a Conditional Use Permit to construct a 77 foot 9 inch wind turbine. The subject property is located at 116 Holt Drive within the Bigfork, CRV (Commercial Village Resort) Zoning District.
- C. Chairwoman Gonzales reviewed the ground rules for public comment and requested that comments be addressed only to the BLUAC members.

STAFF REPORT:

Eric Mack, Flathead County Planning Board, presented the Staff Report which was posted on the June 18th county website. He stated that the structure was not subject to county restriction. Therefore it would need a conditional use permit. The site at 116 Holt Drive and Highway 35 contains CVR zoning. The county received 3 telephone comments and 1 written comment regarding the application. It received approval from Bigfork Fire Department. Impact was based on 12 criteria of zoning regulations. Visual is not one of the criteria.

Q: Chairwoman Gonzales inquired about the difference between a mast or pole and a turbine which is an active object.

A: Mack replied that masts/aerials are not defined in zoning regulations. Wind turbines are not subject to height limitations.

Q: Member Al Johnson commented about other structures that are not subject to regulations such as a bell tower.

APPLICANT REPORT:

Mark Johnson, project architect, presented a site plan. He discussed the philosophy and context of the project and the benefits of using an existing building and footprint. He said the Flathead Brewing Company desires to be a respectful neighbor and part of the Bigfork community by pursuing a LEED (Leadership Energy Environmental Design) project which promotes energy efficiency building with minimal environmental impact. He stated that the wind turbine would be placed in the most open portion of the parking lot, close to the highway right of way at nearly the same elevation as the trees to the south of the property. The pole will be 66' tall plus the turbine with no blades or propellers. He

also stated that storm drains will be installed in the parking lot to take care of drainage. He cited several items that the project addresses in the Bigfork Neighborhood Plan. Specifically:

- 1) A project that does not contribute to sprawl.
- 2) Encouraging landscaping that complements the area.
- 3) Working with Flathead Electric Coop to investigate alternative energy.

Q: Member Mitchell asked for clarification on the proposed site of turbine. Near the temporary sign?

A: Johnson said back farther.

Q: Member Al Johnson clarified the past and present drainage of the storm water.

A: Johnson stated it would be cleaned and returned to the ground.

Q: Member Al Johnson asked how much spaced is allowed for structures.

A: Johnson stated 80%.

Q: Member Al Johnson commented on the Flathead Lake view across the parking lot. He also questioned if there was a cash reward for this incentive program.

A: Sandy Clare said yes.

Q: Chairwoman Gonzales asked for clarification on project owners, etc.

A: Sandy Clare responded as the owner of the property with 2 leasees: Flathead Lake Brewery and the Pub house.

Q: Member Mitchell asked if the wind turbine was part of the LEED qualification and why it needed to be 77' tall.

A: Clare responded yes it was and deferred to Jeff Arcel, a renewable energy consultant to answer specific questions regarding height.

Jeff Arcel, Aeon Renewable Energy Inc., said that height options are between 45 and 100+ feet and the turbine was being placed to catch the wind from storms over the lake. He stated there was an 8-14 mph wind at that site, producing 38 decibels of sound. Normally, there is a 1-2 year study at a site. This was not done here. He said there is a similar structure in Whitefish and there have been no complaints.

Q: Member Bonser asked for an estimate of energy production.

A: Arcel said about 6000 kw hours/year. It would be at full power 30-35% of the time. All power would be produced on site and feed directly into the service panel at the brewery with an auto shut off for safety. The kinetic view would be similar to a flag waving on a flagpole.

Q: Chairwoman Gonzales said she understood that the Whitefish turbine underperforms and asked if the turbine had to perform to get LEED points.

A: Tom Keints, mechanical engineer, said they had one year to monitor.

Q: Member Al Johnson asked if the turbine had to work.

Q: Member Bonser asked if the owners were planning to pay taxes on something that doesn't work.

A: Keints replied that it was a tax credit.

Q: Member Bonser asked about lightning strikes

A: Keints answered that the turbine has lightning suppression.

Sandy Clare, owner of the property, spoke to clear up questions. She stated that LEED is a voluntary program developed by the United States to promote sustainable building design. This would be the first LEED Brewery in Montana. There will be two renters in the building, the Brewery and a Pub house.

The intention is to enjoy the Bigfork lifestyle and build green to ensure a beautiful environment and minimize impact of the environment. This would also create jobs in the Bigfork area and help the local economy year round. She stated that the Flathead Lake Brewery will be featured in the November-December issue of *Green Building and Design*. She stated that this turbine structure is not like the industrial turbines. It is small, quiet and not a great hazard to birds.

Q: Member Bourquin asked what the cost was to install.

A: Arcel stated \$28,000 and after incentives, \$23,000

Q: Member Bourquin asked if there would be an electrical savings.

A: Arcel stated estimated about \$600 savings per year.

Q: Member Al Johnson asked if there were any other LEED projects around.

A: Sue Hanson answered Saddlehorn.

Q: Member Mitchell was concerned about height and how much wind power would be lost if the turbine was lowered to around 35 feet.

A: Arcel responded loss would be about 15-20%

Q: Member Mitchell wondered if it could be located in the SW corner.

A: Clare said the trees would impact the wind.

Q: Chairwoman Gonzales wondered about vibration impact from the traffic on Highway 35.

A: Arcel said the vibrations would not impact the turbine.

AGENCY COMMENT:

Julie Spencer, Bigfork Water Sewer, responded that they do not anticipate any negative impact and the applicants have been very diligent.

PUBLIC COMMENT:

Ron McCormick - concerned about views and danger to birds. He wonders why Bigfork needs another tourist destination for drinkers.

Red Merlette - felt that the project fails to address the impact on birds, specifically eagles. She wondered if the Montana Department of Environmental Quality had reviewed the project and will the turbine set a precedent for other turbines.

Jeanne Southwood - was happy to hear that the Brewery took over the space but stated if the turbine goes up, she would not patronize the business.

Carol James - said there is a precedent for establishing a gateway vista and wondered if the turbine did not perform, would it be taken down.

Paul Smith - stated that the North Shore has been designated as a bird area and had the applicant consulted with the Montana Audubon Society on the impact on raptors and bird wildlife.

Dave Knauth - resides right below the Brewery site and is part of the Northshore Homeowners Association. There are 38 members of that association. The 28 that were present at their last meeting voted unanimously against the turbine based on interference with views and raptors, as well as a concern with noise pollution.

Kathryn Berg - thanked the applicant for making a commitment and taking the risk.

Herb Grant - wondered why the applicant would go ahead with a marginal producer – a \$600 return on a \$28,000 investment.

Lee White - wondered why the project could not be defeated on views and will there be a beacon required for airplanes.

Rod Tracy - is a member of Friends of Bigfork Fire and thanked Ms. Clare for her contributions to the fire department.

Paul Mutascio - stated that alternative energy is a thing of the future. He requested BLUAC to ask the Board of Adjustments as well as the Planning Department and County Commissioners to study the issue before making a decision. Mutascio also submitted a series of articles on impacts of wind power on birds which are available on request.

Charrisse Bourquin - agreed that this is an important issue and thanked the brewery for the presentation.

Carol Nelson - requested that an email comment from her husband be read regarding the visual impact of the turbine, setback consideration as well as its effect on bird migration.

Walter Stark - requested an artist sketch of the turbine.

Ed Berry - having worked in the wind energy business, estimated that the turbine would produce about \$1 a day.

Sandy Clare - After listening to the public comment, the applicant, Sandy Clare, proposed tabling the application and taking a year to do research, a wind study and impact on birds.

Q: Chairman Gonzales asked if the applicant was withdrawing her application.

A: Clare said she was.

Sue Hanson - would be interested in addressing the Planning Department for the purpose of updating Zoning Regulations to include such issues.

Clarisse Ryan - agreed that it was a good idea to do such a study.

Paul Mutascio - recommended the county have guidelines for wind turbines.

Chairman Gonzales - suggested that until there is a provision, it is not possible to vote on something that is not in the zoning regulations.

Public Comment was closed and a 5 minute break was taken.

OLD BUSINESS:

A. New BLUAC member orientation

- a. Joyce Mitchell moved that orientation occur in the winter after the vacant position is filled.

M/SC: Mitchell-Bourquin-Unanimous.

NEW BUSINESS:

- A. No one applied for the position of chairperson. A motion was made to elect Shelley Gonzales for one year. M/SC: Johnson/Mitchell- Unanimous. A motion was made to elect Joyce Mitchell for the position of vice chairperson. M/SC: Gonzales-Bourquin-Unanimous

- B. A motion was made to elect Gwen Sutherland as Secretary. M/SC: Mitchell/Bourquin-Unanimous.
- C. Member at Large. Chairwomen Gonzales reported there is an interested party for this position. She will send the application to the Board for the August meeting. Member Mitchell asked if a special meeting could be called. Chairperson Gonzales said four voting committee members could call a special meeting with 48 hours public notice.

The meeting was adjourned at 6:32 M/SC: Gonzales-Mitchell-Unanimous.

Respectfully submitted,
Gwen Sutherland
BLUAC Secretary